

**BONAPARTE FIRST NATION – DRAFT CUSTOM ELECTION CODE
COMMUNITY FEEDBACK CHART – **UPDATED SEPTEMBER 16, 2024****

TOPIC/MATTER	SECTION	COMMENT
Order of Parts	Table of Contents	<p>Suggestion to:</p> <ul style="list-style-type: none"> • move the section on Removal of Council Members from Office after the current part 13 – Post-Election Procedures, change wording to “removal from election process”. • move part 4 closer to the end of the document (use “the process of the Election Code”). The steps for the election process, section 7-11 • move part 8 closer to the beginning, include wording to provide for the ED not interfering with the election process
Preamble	General	<p>Suggestion to add a preamble that describes the history of the Bonaparte government and governance practices, four pillars, authority of Secwepemc Law.</p> <p>Include reference to relevant sections of UNDRIP, Articles 3,5,18 and also 23 added</p> <p>Include reference to the application of the CCC as a law of general application.</p>
“Bonaparte First Nation”	Definitions	Suggestion to add “BFN” in the definition as an abbreviation. And also, for the Electoral Officer – “EO” Full definition of Executive Director to be included
Term “Elector” or “Voter”	Definitions	Members commented that they preferred the term “Voter” over “Elector”.
“Elder”	Definitions	Suggestion to adjust language to “65 years of age or older”.
“Election”	Definition	Adjust length of term referenced to 3 years (or the term settled on)
“Candidate”	Definitions	<p>Suggestion to add requirement to not have been convicted of an indictable offence in the 10 years prior to the election in the definition of “Candidate”; this is referenced in the Eligibility section.</p> <p>Suggestion that a Candidate must be 19 rather than 18. Positions are currently available to all eligible Voters, who are at least 18.</p>
“Ethics Committee”	Definitions	Suggestion that ethics committee include representatives from each family pod. Note that role of ethics committee requires further development. Broader description of role of Committee.
Organizational Chart	General	Request to include an organizational chart in the Code that details administration staff responsible for election tasks.

TOPIC	SECTION	COMMENT
Regular Meetings	s. 7	Ensure meeting frequency is consistent with Council practice and procedure. Suggestion to add wording that Council will seek to make decisions by consensus. Suggestion to add reference to a swearing in ceremony. Question about whether the Council meetings, or at least some of them be open to the members.
Transition of Council	Suggested Addition	Suggestion to add a section that provides for the requirements of outgoing members of Council to: <ul style="list-style-type: none"> • Preserve files, documents, computer and phone records to support incoming elected Council members. • Require out-going Council to prepare an activity report in advance of the election and review it with the ED. • Create a form that members of Council sign to confirm this requirement or adjust Oath of Office to include commitment
Transition of Council cont.		<ul style="list-style-type: none"> • Draft language to include that failure to adhere to this requirement will result in inability to run in future election.
Election Methods	s. 13	Suggestion that all voting methods be available for every election.
Council Terms	s.16	Some members preferred: <ul style="list-style-type: none"> • changing to a 3-year term • a 4-year term would enable more consistency and work to get completed, with or without the proposed stagger • Some members prefer the current 2-year term • Some members preferred that all Council members have the same term. A stagger works with 4-year terms and would require the Nation to hold an election every 2 years.
Filling Vacancy	s. 19	Suggestion that a vacancy on Council should be filled through a byelection, rather than being given to the Candidate in the last election with the next highest votes.
Residency	General	Suggestions regarding whether there should be a requirement for the Chief and/or one or more members of Council to reside on-reserve. Suggestion that just the Chief reside on reserve, and also for half of the Council to be required to live on-reserve. Note that in accordance with caselaw on residency such as the Gull Bay and Dickson cases, excluding members from eligibility to serve on Council due to their residency off-reserve may result legal challenges and litigation on the grounds that it violates the Charter of Canada.
Code of Ethics/Ethics Committee	s.21 (i)	A member suggested the limit on media advertising be increased from \$1500 to \$2500 and to add a requirement that receipts be provided. Suggestion to include consequences for breaching the Code of Ethics.

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Ethics Committee cont.		Council may appoint community members from each pod to hear matter with 30 days to consider consequence. Council member would have 30 days to appeal decision of the sub-committee. Section on the Ethics Committee created and reviewed with members at AGM on August 25th with additional revisions developed.
Council Member Removal	s. 22	Suggestion to add clause to notify membership if a member of Council is removed. Suggestion to provide greater explanation on the process of addressing prospective removals of Council members by the Ethics Committee. Detail the procedure the Ethics Committee will follow. Review process if a Council member is convicted of an indictable offence while in office.
Code of Conduct	General	Suggest a process to address wrongdoing by a Council member. That Council member will be suspended for 30 days while a process to assess actions is being undertaken. <ul style="list-style-type: none"> Review the timing of charges/convictions for current/sitting members of Council
Removal of Council Member	s. 22 (b), (c) (iii) (iv)	Suggest changing from missing 2 consecutive meetings to 3, adding the words “and/or convicted” after charged with a criminal act. And also add “BFN membership” to s. 22 (c) (iv)
Voter Addresses	s. 32 s. 35	Suggestion to add reference to the members being provided with a notice to update their address Suggestion to remove the clause that would enable the EO to share Voter addresses with Candidates.
Use of the term CEO	General	Suggest to change “CEO” to “ED” as the Nation has an Executive Director, throughout Code.
Notice of Nomination	s. 43	Suggestion to add the option to post the Notice of Nomination and all notices on an app.
Electoral Officer Contact	s. 45(c)	Add email address and/or website contact information for EO.
Nomination Process	General	Suggestion to: <ul style="list-style-type: none"> re-order the section so that it follows the process and is smoother; include reference that only Band members may attend the Nomination Meeting; and add reference so that members can observe and participate
Maintaining Security	s. 52	Add reference to a Security Officer being retained by BFN to secure the polling location.
Eligibility	s. 61	Include timeline of a Candidate to declare when they must choose a position, if nominated for Chief and Councillor. Suggestion to add the requirement for candidates to provide a personal biography or their education and credentials.

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Eligibility Cont.	s. 62	<p>Include reference to FAL for debt issue, ie do payments being made for 6 months constitute good standing? Adjust to include that if a member follows a repayment plan, they are eligible and not “in debt” in accordance with s. 62 (c). Include a note about checking on any debt that may be owed on the notice of nomination. Adjust from \$1000 debt to \$5000 debt. And/or a letter from the Band department that holds the debt that the debt is being resolved. Candidates are able to pay the debt when informed of the debt to remain eligible. Create form/checklist for Appendix re: debts for the administration to fill out.</p> <p>Comment on concern with the inclusion of “assault” in section s. 62 (f), as this may include assaults that may have been committed in youth or many years prior, consider adjusting to include assault in the following section g) to state that a person has not been convicted of assault in the previous 10 years. “Aggravated assault”? Include “indictable” in s. 62 (f).</p> <p>CRC – requirement to add vulnerable sector check</p> <p>s. 62 (k) consider adding wording that confirms history of a smooth transfer of files, if candidate was previously on Council.</p> <p>Add requirement to oath of Office that members of Council must not abuse drugs and alcohol.</p>
Form of Payment	s. 65	<p>Suggestion to remove option to pay by money order or cheque as Nation only accepts electronic transfer or certified cheque, payable to BFN.</p> <p>Suggestion that the funds be provided directly to the Nation rather than electoral officer.</p> <p>Suggestion to return deposit in certain circumstance, ie if the candidate is not elected. Remove s. 66/67, funds paid to Band, set up an Election expenses code/profit center, funds to be used to cover election expenses.</p>
Candidate’s Agent	s. 95	<p>Suggestion to change wording from “candidate’s agent” to “scrutineer”. Add criteria perhaps around their role, provide ID, over 18.</p>
Polling Stations	s. 94	<p>Consider adding how many polling stations and locations. Three polling stations, two in metro locations such as Vancouver and one in community.</p>

TOPIC	SECTION	COMMENT
Separate Ballots	General	Consider including reference to separate ballot boxes for the position of Chief and Councillor.
Identification to Vote	s. 104	Consider including requirement for voter to show identification. Drivers license, status card/or status number, or another voter confirms their identity (sign form).
Voting Assistants	s. 109	Suggestion to have an interpreter available at the polling station, retained by the Band and provided to the EO. "when requested, rather than "if requested".
Recount	s. 129	Add reference to providing notice of recount to the membership. app
Tie	s. 131	Canada has suggested that a tie be broken with a coin toss or for the electoral officer to draw a name. Members suggested they preferred to have a run-off election between the two candidates that were tied. It was suggested that the run-off election take place soon after the election, within 7 days, through in-person and electronic voting options.
Appeal Deposit	s. 148	Suggestion to clarify whether the \$500 deposit is paid to the Adjudicator or to the Nation to offset the cost of the Adjudicator. Go to the Nation.
Appeal Costs	s. 157	Suggestion to clarify the amount an Adjudicator can order an appellant to pay in the event their appeal is unsuccessful. Up to and including the actual cost to the Band to conduct the appeal.
Oath of Office	Appendix "A"	Suggestion to add "social" opportunities to number 7. Include with Candidate forms, so that it is complete before the election.
Candidate Forms	Appendix "C"	Suggestion to enable candidates to sign forms via docusign.
Poll Location	Appendix "D"	Remove reference to "Band Hall" and replace "insert polling location".
Disability	General	Suggestion that clause be added to clarify ability of a person with cognitive challenge to vote and for person with Power of Attorney to remove such a member from the voters list.

TOPIC	SECTION	COMMENT
Election Timing	General	Suggestion that consideration be given to scheduling the elections at the same time of year, in the fall perhaps when year-end and AGM have been completed. Leave to the discretion of the community. Include clause that accounts for a two week overlap for transition. Suggestion for nominations in January, elections second week in March. Insert a two week transition. April 1 st
Member of Council Compensation	General	Suggestion to consider adding a section/reference to Council member compensation. Perhaps addressed in Governance and/or Finance Policy.
Electoral Officer	s.24	Include the word "independent" as a criterion, after "impartial".
Amendments	General	Extensive revision to add a process for amendments to the Code be added.